



Mary B ORiley and Neal Chambers

Name

2795 E 4th St, apt 8

Reno NV 89512

Prison Number

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Mary B ORiley and Neal Chambers

Plaintiff,

vs.

Walmart Stores, Inc.

John Doe 1-100

Defendant(s).

3:11-CV-00232

CASE NO.

(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983**

**A. JURISDICTION**

- 1) This complaint alleges that the civil rights of Plaintiff, Mary B ORiley and Neal Chambers,  
(Print Plaintiff's name)

who presently resides at 2795 E 4th Ave, apt 8, Reno nevada 89512, were

violated by the actions of the below named individuals which were directed against

Plaintiff at 5260 W 7th St. Reno NV 89523 on the following dates  
(institution/city where violation occurred)

april 23, 2010, August 10, 2010, and March 3, 2011  
(Count I) (Count II) (Count III)

pl of 9 (+ 6A, 6B, 6C)

**Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants**

2) Defendant Robert Delicino resides at unknown,  
(full name of first defendant) (address if first defendant)  
and is employed as Walmart. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_\_ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: \_\_\_\_\_  
\_\_\_\_\_

3) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: \_\_\_\_\_  
\_\_\_\_\_

4) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: \_\_\_\_\_  
\_\_\_\_\_

5) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: \_\_\_\_\_  
\_\_\_\_\_

6) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: \_\_\_\_\_  
\_\_\_\_\_

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish  
to assert jurisdiction under different or additional statutes, list them below.  
\_\_\_\_\_  
\_\_\_\_\_

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**B. NATURE OF THE CASE**

1) Briefly state the background of your case.

I transferred to Walmart store 3254 in Reno Nevada with an excellent work history and had been with the company  
since October of 2007. I was transferred in as cashier by front end manager Bonnie. She stated that I was a good candidate for  
the customer service position and urged me to apply internally which I followed through with and accepted. This was later rescinded  
by higher level management and I was never given a clear answer to why I did not get the position. After a month on the job  
I began getting removed from the schedule completely and was told it was system error with the automated scheduling.  
other employees occasionally experienced this, however, this happened to my schedule on a weekly basis and I became  
concerned about my job security at this store even though I was a good employee with an excellent work history  
On one occasion I agreed to work for an employee by requesting and approval by management. When I arrived for duty, I ended  
up in the managers office and was reprimanded in a discriminatory maner that was unrelated to the me working a shift  
On information and belief this is related to the retaliation against myself to marginalize my observations of theft  
obstruction to the discovery and misrepresentations of persons responsible.  
\_\_\_\_\_

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**C. CAUSE OF ACTION**

### COUNT I

The following civil rights has been violated: While on duty one evening substituting in for an associate who needed time off, I was called back to the managers offices and reprimanded by Bob delicino stating that it was inappropriate to work for another employee and I was written up and required to sign a document stating this. This was witnessed by asst mgr. Margaret Abbott.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

On the evening of April 23rd, 2010, I agreed to work for a co-worker by the name of Geraldine Ashworth who needed that evening off. This was approved by assistant manager Ryan a week prior to the scheduled shift. When I clocked in and started my shift for that evening, I was approached by shift mgr. Ricardo and sent back to the office. Once there, I was greeted by co-managers Bob Delicino and asst mgr. Margaret Abbott. Bob informed me that my actions to work for a fellow employee that evening were inappropriate. I was coached and written up for this. As he lectured me, assist mgr Margaret Abbott listened in. I was informed that this type of action was not tolerable to store operations. I had worked for associates before without any repercussions before. Bobs first question to me was "so what is going on here" and I stated that I was working for a fellow cashier that evening who needed time off and that it had been approved by management. As I was trying to explain myself, He interrupted me and stated that this was not acceptable and lectured me for a few minutes. At this point, I was afraid of loosing my job so I accepted what he said even though I did not agree to this. He had me walk over to where he was sitting and lean over and sign the the paper stating what was just discussed. I felt very uncomfortable and intimidated, so without reading it, I reluctantly signed the paper and as I was signing, He made a comment about me being a "lefty" and laughed. I left the managers office feeling very intimidated and uncomfortable but resumed my duties. When the person I worked for that evening returned back to work, she was never approached or reprimanded. I felt that this was unfair treatment along with everything else that was happening so I decided to get legal advise and when I did, I was given instructions to file a complaint with the EEOC. After filing, I contacted walmarts human resource department and spoke with Debra to obtain a copy of the paper I signed the evening of April 23rd, and she informed me that there was no such paper in my file and instructed me to talk to mgr Bob. When I finally got in contact with Bob, he denied having the paper an hung up on me on June 12th, 2010. On information and belief this is related to the retaliation against myself and Neal chambers to marginalize his observations of theft obstruction to the discovery and misrepresentations of persons involved.

## COUNT II

The following civil rights has been violated: On March 1, 2010, co-mgr Bob Delicino approached me in regards to a written complaint I filed against a male co-worker that was verbally harassing me on a regular basis. I informed Mr Delicino that this settled by management.  
He insisted on speaking with this person and in doing so, Mr Delicino informed this person that I was the one that filed the written complaint.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

In late February 2010, I filed a written complaint against a co-worker for verbally abusing me on a regular basis.  
He was intimidating and often sexually abusive. It became worse over time and my immediate supervisor Jeff Fogelberg advised that I file a written complaint against this individual named "Johnny" which I did. This individual was taken aside and coached by managers Byron an Margaret. The harrassment stopped and the situation ceased. On March 1st, 2010  
I was approached by co-mgr Bob Delicino who insisted on finding out more about the situation. I informed mgr Bob that Johnny was not harassing me any more and not to worry about it. However, Bob insisted on speaking with Johnny over this and did in fact confront him and in doing so, he informed Johnny that I was the person that initially filed the complaint against him.  
Johnny came up to me a few days after to let me know that mgr Bob had made him aware that I had filed the complaint about him.  
Managers Margaret an Byron assured me that when I filed the complaint that it would be kept confidential since I was worried about retaliation from Johnny. I felt very uncomfortable after that and it became increasingly more difficult to work in these conditions. Co-manager Bob violated my rights by informing this individual and created a more hostile work envionment for me. On information and belief this is related to the retaliation against myself and Neal Chambers to marginalize his observations of theft obstruction to the discovery and misdirecting the implementations of persons responsible.

COUNT III + COUNT 1-500

The following civil rights has been violated: I was terminated on March 3rd, 2011 for reasons unrelated that were fabricated and a pretext for my association with Neal Chambers and their apprehension of their unlawful operations

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

During my employment at store 3254, I met and associated with co worker Neal Chambers. Soon after, I became a target for harassment and was ridiculed whenever I associated with Mr Chambers. In February of 2010, I was approached by manager Riccardo and informed that management believed on their own observation that Neal was harassing me and that I was not to converse with him from that point on. I explained that he was not bothering me, however, I felt coerced to abide by their rules in fear of retaliation while working or possibly the loss of my job. Shortly after this incident Mr. Chambers was fired from his position and the workplace became increasingly more hostile after the departure of store Manager John Hahn with the takeover of co-manager Bob Delicino. Many more incidences began to occur. I was denied my annual raise in October of 2010 based on managements observation of my performance. I believe this was due to retaliation of my filing a complaint with the equal employment opportunity commission. My immediate supervisor Barbara Vega was on vacation during my evaluation and when she returned to work and was notified of this, she stated that she disagreed with the managements decision to downgrade my performance and informed me that I should not have signed the papers. She stated that she would look into this but that never happened. Other incidences occurred such as finding human feces by my car when leaving for the day and an even more disturbing event that occurred the morning of October 26th, 2011 when I was leaving the parking lot, As I was pulling out onto the street, I had my window partially down and heard bebe sounds hitting my car door and window. I noticed another car speeding off and was afraid to go back into Walmart to inform personnel that I had been shot at pulling out of the lot. When I returned that evening for my next shift, however, I informed Asset protection personnel and my supervisor Barbara of what happened. They in turn informed the manager and had me write down what I could describing the incident.

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**D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

- 1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action?      Yes   x   No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

pages 6A, 6B, 6C follow

## COUNT FOUR

The following civil rights have been violated: Discrimination based on sex, harrassment, hostile workplace environment, age

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

4/28/08

1 Asst Manager Margaret in anger screamed my name out. I was taken into a very dimly lit corridor and screamed at with support manager Justin and another person there. The implementation of managements action was intended to provoke me into a fight or give me a heart attack. I was threatened that if I defended myself or said anything I would be sent home.

I had been told to work with Debbie. She was to sweep the vinyl floor and I was to mop the vinyl floor. For days she had socialized while I swept and mopped. On this day she had told me not to sweep. I had said that I could not mop without sweeping and had been sweeping so that I could mop. She complained to Margaret about me instigating this scary one sided confrontation in a passage between the inner and outer wall.

This event in itself has little significance, but it represents hundreds of similar events to follow, mostly implemented to cause me to quit as my presence was an impediment to a theft operation taking place.

In another instance I had been told by Debbie to use a certain Detergent on the floors. Margaret had told me not to. Corporate policy indicated to use the detergent. I attempted to explain this to Margaret and as usual was yelled at, insulted, falsely portrayed, etc. Many other employees indicated that Margaret hated men and treated most of the men in this rude abusive way.

I spoke with the store manager, John Hahn about this. Just like the commercial of the Parental Control feature whereby a mother controlled confronts 'The Sopranos' with depicting too much violence 'hitting Vinnie over the head with a shovel', John Hahn told me I had imagined these incidents, that Margaret had never yelled and that everyone in the store would witness to that effect and that I should look for another job. I would learn he was protecting the ring of thieves.

Clearly I was faced with intentional and malicious lying to cover up abusive behavior and the manager felt that he was intimidating enough that everyone who worked for him would parrot whatever he said without question.

Although I was still new to the store, managers and leads I had never met disdained my presence quite visibly. A smear campaign portraying me as a troublemaker had been put into motion that would remain an obstacle to doing my job and injure me socially, psychologically and physically for the next two years.

6A

## COUNT SIX

**The following civil rights have been violated:** Harrassment, retaliation, discrimination based on race color and creed.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Unfortunately, I am out of time as I am working in concert with Mary Beth O'Riley and must file now to avoid being too late. I have tens and maybe hundreds of instances depicting actions of management that conflicted with WalMart Corporate Policy, OSHA regulations, State and Federal Safety Standards, Disposal Laws and more.

It seems the Corporate Policy is written by lawyers to protect the corporation and that the Management need not implement it at any time. Instead, employees are forced to keep their mouth shut or intimidated that they will lose their job.

Despite serious hazards, I was forced to keep my mouth shut for two years to avoid retaliation. Although myself and others had been there much long, James was brought in and placed as our lead because he was white (race) and a favor to the manager of the Walmart Distribution Center Manager who knows James' father. Although James came in drunk every night and had less seniority than anyone, he was put in charge of everyone. He would routinely threaten to send me home if I attempted to invoke Corporate Policy or State and Federal Laws. He became the means by which John Hahn, Bob Delicino and Margaret could continue in their illegal and retaliatory acts and keep their hands clean.

When he started at Walmart, I pointed out the thievery going on between 2am and 3am on Sundays and Mondays. Anna had just been caught and fired, Margaret was suspended from using the cash register. This did not stop her. She would use cashier Christina's log in, and continued to provide discount shopping for members participating in the looting of Walmart.

My past attempts to alert the store manager to the retail thievery that was systemized as well as the thievery of 99 supplies resulted in his silencing me further by constantly prohibiting me from getting on the WIRE, employees link to corporate headquarters.

If anyone befriended me, he would stare them down with a very cold look to let them know they were asking for trouble. Although the socializing among employees during work was quite time consuming, it was ignored unless I was the one speaking to someone. Mary Beth O'Riley from the time she came to store 3254 was let know in no uncertain terms that speaking to me carried a high price. She was harrassed to the point she was afraid to speak with me. Many employees marveled at the way the two of us were targeted. Even after I was fired, they continued to harrass her. Although this charge fails to list specific information, it is a placeholder for the amended filing that will come with much more detail.

6B



## COUNT FIVE

**The following civil rights have been violated: I am retaliated against in another of almost daily events to force me to quit.**

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly whghtsat each specific defendant (by name) did to violate your rights].

I checked my schedule on Saturday morning and I was scheduled to work on Saturday night, 08/23/08. When I arrived to work at 11pm, a new schedule had been put up that had me not scheduled to work. Although the trip from my house to work I estimate cost me almost a third of the nights work, I was told to go home because I was not scheduled. Again, this was one of many ongoing acts of retaliation, many of which included alteration of the schedules and alteration of time clock entries.

I had nowhere to go that felt safe anymore. That John Hahn, Bob Delicino, and Margaret and Anna were a part of the thievery ring had become evident. That other personnel, both management and employees had been by now made aware that those who were civil with me would be retaliated against and those who injured me would be rewarded.

Two emails to the Corporate Ethics committee had met with retaliation. The first one had complained about Margaret, after which she had Justin do the yelling at me for her. Bob Delicino had come up to me and condescendingly yelled, "why aren't that bathrooms" clean. It had not been me on the schedule to clean the bathrooms that night and I said so. This became misconstrued and repeated by management that "Neal says he doesn't do bathrooms". This identical pattern of yelling at me for things that were not assigned to me continued over and over. With respect to the bathrooms, I was on the schedule to do the bathrooms one night a week for most of the two years I was there, yet those in the maintenance department, complicit with managements thievery and intent to smear me, will tell to this day, "Neal doesn't do bathrooms" although they know I did do bathrooms, and a much better job at that that either James or Jose who used complicity with the retaliation against me to curry favor.

Often my schedule would have my clock in after lunch erased by someone with access in management. I would discover the loss of pay later and follow up on the issue. Management would then inform other parties that I was imagining it and had simply forgotten to clock back in. While this is a believable scenario, it was absolutely untrue. At times there was no doubt I had clocked in, this lie was repeated until other members of staff came to believe it to be true.

Desiree, who like the current manager of HR, had curried favor with John Hahn and Bob Delicino by treating me like dirt, although not my manager or in HR, overheard my complaint to Debbie and Natasha in HR and lectured me about no punching in. She berated me for causing the problem by stating that I created the problem when I had used the feature to verify my clock in, which became a regular action I took since my clock in and clock out entries were being constantly altered forcing me to verify each one each time. Desiree continued in a sarcastic tone loudly for many to hear proclaiming the problem to be me. There are many more events and details than I have time to write here now.

6-C

outline).

- a) Defendants: \_\_\_\_\_
- b) Name of court and docket number: \_\_\_\_\_
- c) Disposition (for example, was the case dismissed , appealed or is it still pending?):  
\_\_\_\_\_
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted**?  
\_\_\_ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_ frivolous  
\_\_\_ malicious or \_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_

- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) \_\_\_\_\_ disciplinary hearing; (2) \_\_\_\_\_ state or federal court decision; (3) \_\_\_\_\_ state or federal law or regulation; (4) \_\_\_\_\_ parole board decision; or (5) \_\_\_\_\_ other \_\_\_\_\_.

If your answer is "Yes", provide the following information. Grievance Number 550-2010-01517.  
Date and institution where grievance was filed June 23rd, 2010, EEOC 550-2010-01517.

Response to grievance: The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violation of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

Lost wages	\$46,000
Damage to vehicles	\$50,000
Emotional and psychological damage	\$100,000
Punitive Damages	\$10,000,000
Slander harassment,retaliation, conflicts and terrorism (separate from emotional and psychological damage)	\$1,000,000
Lost wages, lawyer fee, and time pursuing the case	unknown

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

*Neal C. Chambers*

(Name of Person who prepared or helped  
prepare this complaint if not Plaintiff)

*[Signature]*

(Signature of Plaintiff)

*3/31/2011*

(Date)

(Additional space if needed; identify what is being continued)